

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

PIPE HITTERS UNION, LLC,
Plaintiff,

v.

PIPE HITTERS UNION MC, LLC,
Defendant.

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No. 1:20-CV-00167-RP

ORDER

Before the court is Plaintiff's Opposed Motion to Overrule Objections & Compel Discovery Responses (Dkt. #46) and Mr. Deckert's Third Party Motion to Deny Plaintiff's Motion to Compel (Dkt. #47).¹ Having considered the competing motions and related pleadings, the applicable law, the entire docket, and holding a hearing on March 21, 2023, the undersigned enters the following order.

I. ORDERS

For the reasons described during the hearing, Plaintiff's Opposed Motion to Overrule Objections & Compel Discovery Responses is **GRANTED** and Mr. Deckert's Third Party Motion to Deny Plaintiff's Motion to Compel is **DENIED**.

Third Party Charlie Deckert's general objections and specific objections to Interrogatories 1–15 and Requests for Production Nos. 1–23 are **OVERRULED**.

Third Party Charlie Deckert is **ORDERED** to supplement his written responses and provide all information and documents responsive to the requests by April 7, 2023.

¹ On March 3, 2023, the Motions were referred via text order by United States District Judge Robert Pitman to the undersigned for disposition on the merits pursuant to 28 U.S.C. § 636(b)(1)(A), Rule 72 of the Federal Rules of Civil Procedure, and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. Dkt. #38.

This matter is set for a follow-up in-person hearing on April 25, 2023, at **10:00 a.m.** in Courtroom Eight on the seventh floor of the Federal Courthouse located at **501 W. 5th Street, Austin, Texas 78701**. If that hearing is necessary, Mr. Deckert should be prepared to testify under oath at the hearing.

Between the deadline to produce discovery and the April 25th hearing, Plaintiff and Third Party Charlie Deckert are **ORDERED** to meet and confer to attempt to resolve compliance issues related to the discovery requested. The parties are ordered to file a joint notice no later than April 19, 2023, identifying the issues that have been resolved and any remaining outstanding issues.

II. SANCTIONS WARNING

Federal Rule of Civil Procedure 37(d) gives the court authority to sanction a party for failure to answer interrogatory responses or respond to requests for production. Sanctions may include any of the orders listed in Rule 37(b)(2)(A)(i)—(vi):

- (i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
- (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses or from introducing designated matters in evidence;
- (iii) striking pleadings in whole or in part;
- (iv) staying further proceedings until the order is obeyed;
- (v) dismissing the action or proceeding in whole or in part;
- (vi) rendering a default judgment against the disobedient party; or
- (vii) **treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination.**

FED. R. CIV. P. (b)(2)(A) (emphasis added). Rule 37(d)(3) further mandates that, “[i]nstead of or in addition to these sanctions, the court must require the party failing to act, the attorney advising that party, or both to pay the reasonable expenses, including attorney’s fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust.” *See also* FED. R. CIV. P. 37(b)(2)(c).

III. CONCLUSION

Plaintiff's Opposed Motion to Overrule Objections & Compel Discovery Responses (Dkt. #46) is **GRANTED**.

Mr. Deckert's Third Party Motion to Deny Plaintiff's Motion to Compel (Dkt. #47) is **DENIED**.

Failure to comply with this Order will result in sanctions.

The Clerk of Court is directed to serve Mr. Deckert with this Order by regular mail and by certified mail return receipt requested.

SIGNED March 21, 2023.



MARK LANE
UNITED STATES MAGISTRATE JUDGE